

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2010 JUN 22 AM 11:18

CLERK
ALEXANDRIA DIVISION

TARIK MOUSA ABUMARZOOK,
5040 Cliff Haven Drive
Annandale, Virginia, 22003

Plaintiff,

v.

UNITED STATES OF AMERICA
SERVE:

Neil H. MacBride
United States Attorney, E. D. of Virginia
Justin W. Williams Building
2100 Jamieson Ave
Alexandria, VA 22314

AND

Attorney General Eric Holder
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

AND

John E. Potter,
United States Postmaster General
475 L'Enfant Plaza, SW
Washington, DC 20260

AND

JERRIE WARREN STAUFFER,
2067 Royal Fern Court, Apt #1C
Reston, Virginia, 20109

Defendants.

Case No. 1:10CV60

AST/TRJ

LAW OFFICES OF
PIKRALIDIS
&
ASSOCIATES
ATTORNEYS AND COUNSELLORS
AT LAW
LAWYERS ROW
10605 JUDICIAL DRIVE
BUILDING A-4
FAIRFAX, VIRGINIA 22030
TEL. (703) 267-2600
FAX (703) 273-8046

COMPLAINT

COMES NOW Plaintiff, **TARIK MOUSA ABUMARZOOK**, by and through undersigned counsel, and files this, his Complaint for Damages against Defendants, **THE UNITED STATES OF AMERICA** and **JERRIE WARREN STAUFFER**, jointly and severally, for personal injuries suffered. In support for his Complaint, Plaintiff asserts the following:

PARTIES, VENUE, AND JURISDICTION

1. Plaintiff **TARIK MOUSA ABUMARZOOK** is a natural person and a citizen of the Commonwealth of Virginia, who is currently domiciled at 5040 Cliffhaven Drive, Annandale, Virginia, in Fairfax County in the Eastern District of Virginia.
2. Defendant, **JERRIE WARREN STOUFFER** ["STOUFFER"], is a natural person and, on information and belief, a resident of the Commonwealth of Virginia, who is currently domiciled at 2067 Royal Fern Court, apartment #1C, Reston, Virginia, in Fairfax County, in the Eastern District of Virginia.
3. Defendant, **UNITED STATES OF AMERICA** ["UNITED STATES"] is the Federal Government of which the United States Postal Service ["the USPS"] is an independent governmental agency headquartered in Washington, DC.
4. The claim against the UNITED STATES arises out of and is permitted pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et. seq* ["FTCA"].
5. On or about April 21, 2009, Plaintiff **TARIK MOUSA ABUMARZOOK** filed a Standard Form 95 stating the basis and amount of his claim to the USPS as required under the FTCA.

6. Plaintiff **TARIK MOUSA ABUMARZOOK** received a denial of his claim on or about August 20, 2009, permitting him to timely file a claim in the United States District Court within six months, pursuant to 28 U.S.C. 2675.
7. The United States District Court has Subject Matter Jurisdiction over the matter pursuant to 28 U.S.C. § 1346(b)(1), because the United States is a party Defendant, and pursuant to the FTCA.
8. Venue is appropriate in the Eastern District of Virginia, Alexandria Division, because the action giving rise to the claim occurred in Fairfax County within the jurisdiction of the Alexandria Division of the Eastern District of Virginia.

BACKGROUND FACTS

9. On or about February 16, 2008, at or about 11:35 AM, Plaintiff **TARIK MOUSA ABUMARZOOK** was carefully and cautiously driving his 2003 Mercedes CL55 automobile westbound on Fletcher Street in the town of McLean, Virginia, in the County of Fairfax, in the Eastern District of Virginia.
10. At that same time and place, Defendant, STAUFFER, was driving an United States Postal Service vehicle owned by Defendant, UNITED STATES, with its permission and consent as its agent, servant, and employee, from the exit to the Silver Diner parking lot at a stop sign on Fletcher Street.
11. Defendant, STAUFFER, proceeded to cross Fletcher Street to the parking lot to the Chevy Chase Bank without stopping for the stop sign.
12. Defendant, STAUFFER, collided with Plaintiff's vehicle in Plaintiff's lane of travel on Fletcher Street.

13. After the collision, Plaintiff's vehicle was propelled into a third vehicle stopped at the stop sign located at the exit to the Chevy Chase bank parking lot who was waiting to turn onto Fletcher Street.

COUNT I- NEGLIGENCE

14. Plaintiff ABUMARZOOK reaffirms the allegations contained in averments 1-13 and incorporates them by reference as if fully pled herein.
15. Defendant STAUFFER owed a legal duty to Plaintiff ABUMARZOOK, and all other motorists within his zone of danger, to obey all traffic laws, to yield the right of way, to pay full time and attention to the road and drivers on the road, and to drive his vehicle in a careful, prudent manner to prevent collisions with other drivers on the road.
16. Defendant STAUFFER breached these duties by failing to come to a stop at a stop sign, by proceeding into an intersection without yielding to other drivers already present, and by failing to pay attention to the road on which he was travelling.
17. As a direct and proximate result of these breaches, Plaintiff ABUMARZOOK's vehicle was struck by Defendant STAUFFER's vehicle.
18. As a direct and proximate result of the negligence of Defendant, STOUFFER, as agent, servant, and employee of Defendant, the UNITED STATES, resulting in the aforesaid collision, Plaintiff ABUMARZOOK was additionally caused to suffer various painful, serious, and potentially permanent injuries to his body which necessitated medical care and attention at great expense, endured human pain and suffering, had his activities and quality of life affected in the past and

into the future, lost time and earnings from his gainful employment, property damage, and other damages.

19. Specifically, Plaintiff ABUMARZOOK incurred the cost of \$30,513.90 to repair his vehicle.
20. Additionally, in spite of the repairs, the vehicle was diminished in value as a direct and proximate result of the collision in the amount of \$6,656.00 as of July 22, 2008.
21. Your Plaintiff timely submitted the claim to the USPS on a Standard Form 95 on or about April 21, 2009.
22. Plaintiff ABUMARZOOK's claim was denied by the USPS on or about August 20, 2009.
23. Plaintiff ABUMARZOOK is permitted to file this action within six months of the denial, or by or before February 20, 2010, making this action timely under the FTCA.

WHEREFORE, Plaintiff TARIK MOUSA ABUMARZOOK, by and through undersigned counsel, prays that the Court will grant him the following relief:

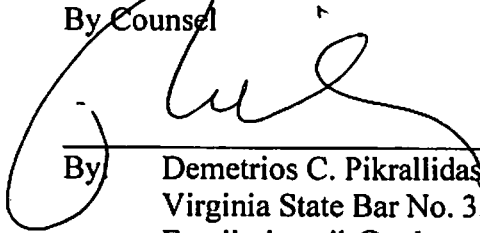
- I. Grant to Plaintiff ABUMARZOOK judgment against Defendants UNITED STATES and STAUFFER, jointly and severally;
- II. Grant to Plaintiff ABUMARZOOK an award of damages in the amount of ONE HUNDRED SIX THOUSAND SIX HUNDRED FIFTY SIX DOLLARS AND NO CENTS (\$106,656.00);
- III. All costs incurred in this litigation;
- IV. Judgment interest from the date of judgment;

VI. All such additional relief as the court may determine to be necessary and appropriate and in the further interests of justice.

Respectfully Submitted in Person,
Dated and Printed: January 22, 2010

PIKRALLIDAS AND ASSOCIATES
10605 Judicial Drive, #A4
Fairfax, Virginia, 22030
TEL: 703-267-2600
FAX: 703-273-8046

TARIK MOUSA ABUMARZOOK
By Counsel



By Demetrios C. Pikrallidas, Esquire
Virginia State Bar No. 33872
Email: lawpik@aol.com
Counsel for Plaintiff

LAW OFFICES OF
PIKRALLIDAS
&
ASSOCIATES
ATTORNEYS AND COUNSELLORS
AT LAW
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